

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006
Section 24**

Chamber Ref: FTS/HPC/RP/20/1532

Blackcraig Farm, Dechmont, Broxburn, EH52 6NB (“the Property”)

Sasine ref: Farm and lands of Blackcraig, extending to 179 acres in the Parish of Ecclesmachan, referred to in the disposition in favour of James Cradock and another, recorded GRS West Lothian 15 March 1935

The Parties:-

Mr Ian and Mrs Campbell, residing at the Property (“the Tenants”)

George Watson & Co (“the Landlord”) represented by Messrs Davidson & Robertson, 62 Bannantyne Street, Lanark, ML11 7JS (“the Landlord’s agents”)

Tribunal Member:

**Maurice O’Carroll, Legal Member and Chairman
Greig Adams, Ordinary Member (Surveyor)**

Whereas in terms of their decision dated 7 March 2022, The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) determined that the landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (“The Act”) and in particular that the landlord has failed to ensure that:-

the Property is not wind and watertight and in all other respects reasonably fit for human habitation (section 13(1)(a) of the Act),

the Tribunal now requires the landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the Tribunal requires the Landlord to:-

- (a) Carry out all works to the interior and exterior of the Property to ensure that it is watertight, free of dampness and fit for human habitation.

The Tribunal order that the works specified in this Order must be carried out and completed by **31 May 2022**.

A landlord, tenant or third party applicant aggrieved by the decision of the Tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Please note that in terms of section 28(1) of the Act, a landlord who, without reasonable excuse, fails to comply with a RSEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale. A landlord (and that includes any landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy arrangement in relation to a house at any time during which a RSEO has effect in relation to the house. This is in terms of Section 28(5) of the Act.

In witness whereof these presents type written on this and the preceding page are executed by M O'Carroll

Legal Member of the Tribunal, at Advocates Library, Parliament House, Edinburgh on 11 March 2022 before this witness:- EHI IRF

M O'Carroll

Legal Member

E Caskie-Potter

witness

EMMA CASKIE-POTTER name in full (print)

Parliament House Address

Edinburgh EHI IRF